

to allow the Examiner time to reconsider the rejected claims as amended in the last amendment filed in the '684 application.

For the Examiner's convenience the claims in the present application correspond to the claims in the '684 application (per the Amendment After Final) as follows:

The Present Application	The '684 Application
Claims 1-2	Claims 1-2 (claim 3 cancelled)
Claims 3-6	Claims 4-7 (claim 8 cancelled)
Claims 7-17	Claims 9-19 (claim 20 cancelled)
Claims 18-19	Claims 21, 22 (claim 23 cancelled)
Claim 20	Claim 43
Claims 21-24	Claims 24-27 (claims 28-32 cancelled)
Claims 25-26	Claims 33, 34 (claims 35-36 cancelled)
Claims 27-32	Claims 37-42

Present claims 20-25 stand allowed based on the Advisory Action. Claim 26 should also be allowable since the defect in old claim 34, i.e., dependent upon a cancelled base claim has been corrected. Present claims 8 (old claim 10) and 12-17 (old claims 14-19) and 31 (old claim 41) were indicated to be allowable if rewritten to include the limitations of the base and intervening claims. The objections to certain of the claims in the '684 application have been overcome as was pointed out in the Amendment After Final.

Old claims 1-3, 7, 13, 34, 40 and 42 (now claims 1, 2, 6, 15, 26, 30 and 32, respectively) were rejected as anticipated (35 USC §102(e)) by the Vries patent (No. 6,262,976) on the grounds that it discloses in Figs. 6-8 a one piece container with a circumscribing wall 2 having an inner

surface and a one piece lid with an annular downwardly tapering fin outwardly which seats against the container wall inner surface. Old claims 4-6, 11, 12, and 37-39 (now claims 3-5, 13, 14, and 27-29) were rejected as unpatentable over Vries on the grounds that the limitations called for in such claims would have been obvious to one of ordinary skill in the art (35 USC §103). The rejections are respectfully traversed.

The Vries lid has a peripheral edge 44 with an inside resilient lip (apparently identified as 50) which is forced against the outside surface of the downwardly extending top edge 8 (Fig. 4) of the container to provide the seal. Claim 1 calls for the container upstanding peripheral wall to terminate in an upper edge surrounding an open mouth with the upper portion of that wall defining an inside sealing surface. This structure is missing from Vries. Furthermore, there is no free edge of a downwardly extending sealing flange of the Vries lid which seals against any inside sealing surface of the container wall as called for in claim 1. In addition, the free end of the edge 44 of Vries is not forced inwardly when the lid is forced over the top of the container and there is no teaching that such free end provides an interference fit with the container wall.

The Vries drawing (Fig. 8) which shows what appears to be an inner protuberance unidentified in Fig. 8 but marked A, by the undersigned, in the reproduction of Fig. 8 below:

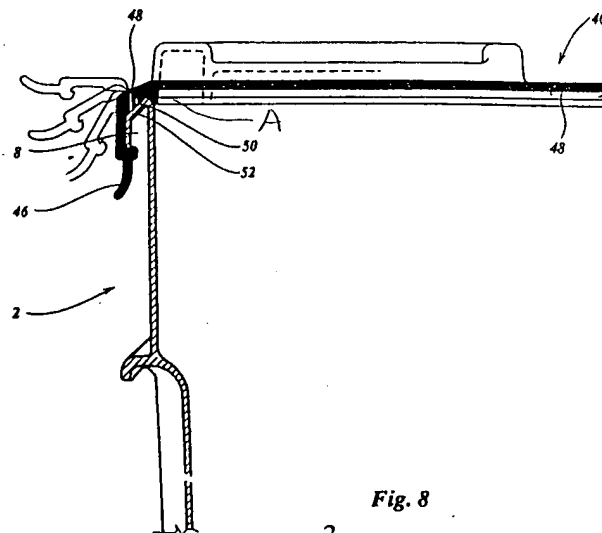


Fig. 8

The triangularly shaped protuberance is clearly not tapered outwardly (as called for in Claim 1) and there is no teaching that the free edge thereof has a greater perimeter than an inside seating surface of the container wall (as called for in Claim 1). The resilient lip (50) and the outer surface of the downturned edge 8 of the container provide the seal in the Vries structure. There is no teaching or suggestion that the protuberance A forms any part of a seal. The claimed container/lid structure with its novel sealing arrangement, i.e., the outwardly tapering inner sealing lid flange, the free edge of which is forced inwardly by the interior container wall sealing surface to form an interference fit with the container wall surface is not disclosed in Vries. In addition, it is not seen how the seal between the Vries lid and the container would be broken by a user pressing the tongue of each clamp upwardly while simultaneously pressing down on an adjacent area of the lid. This procedure would only further tighten the seal between the resilient lip 50 on the inner surface of the cover peripheral edge 44 and the outer surface 50 of the container top edge 8 (apparently identified as 52). Claim 1 is neither anticipated nor rendered obvious by the Vries patent.

Dependent claims 2-7 and 17-19 which include additional limitations not taught or suggested by Vries are patentable over that reference for the above reasons and further in view of the additional limitations. New claim 2 calls for the container inside sealing surface to be canted outwardly. The container sealing surface 52 of Vries is disposed outside of the container. Claims 3-5 define the inclination of the cover sealing flange in degrees.

Claims 6 and 7 define the outwardly inclined lead in surface on the interior container wall. Claim 8 (indicated to be allowable) calls for the stop members. Claims 9 and 10 define the angle of the container inside sealing surface in degrees. Claim 11 specifies the degree of the resilience of the top cover to facilitate the removal of the cover.

The limitations of claims 12-17 (old claims 14-19) were indicated to be patentable.

Claims 18 and 19 depend from claim 17 and are now believed to be allowable. It should be noted that the corresponding original claims 21 and 22 were objected to as being dependent upon a cancelled claim.

Claims 2-19 are now believed to be in condition for allowance. Claims 20-25 are allowable as discussed previously.

Independent claim 26 calls for the annular downwardly and outwardly depending fin (i.e., sealing fin) to be positioned inwardly of the lid downturned peripheral top wall and also for the upper portion of inner surface of the container circumscribing wall to define an outwardly tapering inner sealing surface. This claim specifies that the lid sealing fin seats against the inner sealing surface of the container wall and applies horizontal pressure thereto to establish a seal between the wall and fin in the lid/container closed position. As pointed out previously the peripheral edge 44 of the Vries cover does not seat against an inner surface of the container wall and does not apply a horizontal pressure to such a wall in the lid/container closed position.

In addition, as pointed out earlier, it is not seen how the seal between the Vries lid and the container would be broken by a user pressing the tongue of each clamp upwardly while simultaneously pressing down on an adjacent area of the lid. This procedure would only further tighten the seal between the resilient lip 50 on the inner surface of the cover peripheral edge 44 and the outer surface 52 of the container top edge 8. Claim 26 and dependent claims 27-29 are patentable over Vries.

Independent claim 30 is similar to claim 26 and patentable over Vries for the above reasons. Dependent claims 31 (originally indicated to be allowable as claim 41 if rewritten) and 32 are also

patentable over the Vries reference.

As discussed in the first amendment in the '684 application and in Mr. John Lown's declaration accompanying that amendment, applicants' invention has solved a real world problem and achieved commercial success. Such factors provide compelling evidence that the claimed invention, which is not anticipated by Vries, would not have been obvious to one of ordinary skill in the art at the time the invention was made.

This application is now believed to be in condition for allowance and such action is courteously solicited.

Respectfully submitted,

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